

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL F. LASCH

: CIVIL ACTION

v.

:

:

RICHARD R. FINK, ESQUIRE, et al.:

NO. 10-cv-04548-JF

MEMORANDUM

Fullam, Sr. J.

September 15, 2010

Plaintiff, Michael F. Lasch, is the defendant in a criminal case in Bucks County, Pennsylvania. In that action, he is represented by the defendant, Richard R. Fink, Esquire. On August 5, 2010, plaintiff sued Mr. Fink for allegedly violating plaintiff's constitutional rights. Civil Action No. 10-3934. The alleged violation had to do with the fact that plaintiff had not been granted bail in the state criminal case.

That action was dismissed as legally frivolous, on August 23, 2010.

Unpersuaded, plaintiff filed the present action, on September 8, 2010. The complaint is virtually identical to the amended complaint in the former action, and will again be dismissed as legally frivolous.

The only defendant in this case is Mr. Fink, plaintiff's private attorney. Mr. Fink obviously is not responsible for the fact that plaintiff is in custody, and has no authority to grant or deny bail. If the allegations of plaintiff's pleadings are correct, plaintiff might have a claim against Mr. Fink for breach of contract, but this federal court

would not have jurisdiction over any such claim. This action will therefore be dismissed with prejudice, for lack of jurisdiction. An Order to that effect follows.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.